

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-343-E - ORDER NO. 90-672
JULY 10, 1990

IN RE: Pelzer Hydro Company, Inc.,)	
)	
Complainant,)	
)	
vs.)	ORDER SETTING
)	ORAL ARGUMENTS
)	
)	
Duke Power Company,)	
)	
Respondent.)	
)	
)	
)	

On April 13, 1990, Pelzer Hydro Company, Inc. (Pelzer Hydro) filed a Complaint against Duke Power Company (Duke) requesting that the Commission institute a formal proceeding concerning the issue of Duke's alleged violation of certain Commission orders by refusing to negotiate in good faith with Pelzer Hydro with respect to long term rates. Pelzer Hydro requested that the Commission order Duke to offer to Pelzer Hydro long term rates no less than those contained in the contract for the Aquenergy Projects. Aquenergy is a sister corporation of Pelzer Hydro.

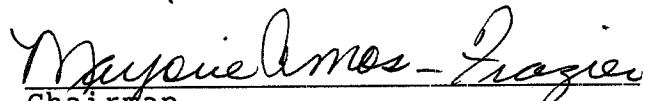
On May 25, 1990, Duke answered the Complaint of Pelzer Hydro stating that Duke has negotiated in good faith, there is no basis for the Complaint, and that the rates requested by Complainant should not be granted because they exceed Duke's avoided cost.

Duke also moved that the Complaint be dismissed.

On June 22, 1990, the Complainant, Pelzer Hydro filed a Motion for Summary Judgment. Pelzer Hydro moves the Commission for an order directing Duke to make available for the Pelzer Projects the same rates and terms contained in the Purchased Power Agreements that was entered into on December 27, 1987, between Duke and Aquenergy for the five (5) hydro-electric projects owned by Aquenergy.

The Commission will hear oral arguments on Duke's Motion to Dismiss and Pelzer Hydro's Motion for Summary Judgment at a date to be announced in the near future.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)